

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:11-MJ-1173

UNITED STATES OF AMERICA)	
)	
v.)	<u>O R D E R</u>
)	
CONTEENA L. SMITH)	

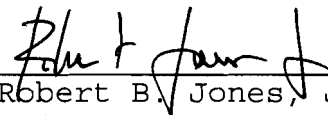
On June 28, 2011, Defendant Conteena L. Smith ("Defendant") entered a plea guilty to a single count of possession of marijuana in violation of 21 U.S.C. § 844(a). In accordance with the terms of a plea agreement between the parties, the court sentenced Defendant to 12 months of probation. As part of the conditions of her probation, the court ordered Defendant "confined in the custody of the Bureau of Prisons for a period of fifteen days to be arranged by the U.S. Probation Office." Judgment [DE-18] at 3.

On July 25, 2011, the court received a letter from Defendant seeking to modify the terms of her incarceration so that she be permitted to serve the 15-day period of incarceration on weekends rather than consecutive days. [DE-20]. Among the reasons offered in support of her request, Defendant advises the court that since her sentencing hearing she has become employed, working Monday through Friday, and that she is currently a probationary employee, whereby she may be terminated if she is absent consecutive work days. Id. The court has been advised further that Defendant's employment has been confirmed by the

United States Probation Office, which has arranged with the Bureau of Prisons to redesignate Defendant's incarceration to be served on weekends until completion.

The court finds that the relief Defendant she seeks is in accordance with the fairness and reasonableness of the sentence originally imposed as well as those considerations contained in 18 U.S.C. § 3553, governing sentencing in general. Moreover, the probation office has not objected to Defendant's requested modification. For those reasons, the judgment of this court entered June 28, 2011 is hereby modified such that Defendant be confined in the custody of the Bureau of Prisons for a period of fifteen days to be served on an intermittent basis as arranged by the United States Probation Office. 18 U.S.C. § 3563(c).

SO ORDERED, this the 1st day of August, 2011.


Robert B. Jones, Jr.
United States Magistrate Judge